



General Assembly

January Session, 2007

Raised Bill No. 1241

LCO No. 4399

04399_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING OFFERS OF COMPROMISE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 52-192a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007, and applicable to offers of compromise filed on or after said*
4 *date*):

5 (b) In the case of any action to recover damages resulting from
6 personal injury or wrongful death, whether in tort or in contract, [in
7 which it is alleged that such injury or death resulted from the
8 negligence of a health care provider,] an offer of compromise pursuant
9 to subsection (a) of this section shall state with specificity all damages
10 then known to the plaintiff or the plaintiff's attorney upon which the
11 action is based. At least sixty days prior to filing such an offer, the
12 plaintiff or the plaintiff's attorney shall provide the defendant or the
13 defendant's attorney with an authorization to disclose medical records
14 that meets the privacy provisions of the Health Insurance Portability
15 and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended
16 from time to time, or regulations adopted thereunder, and disclose any
17 and all expert witnesses who will testify as to the prevailing

18 professional standard of care. The plaintiff shall file with the court a
19 certification that the plaintiff has provided each defendant or such
20 defendant's attorney with all documentation supporting such
21 damages.

22 Sec. 2. Section 52-194 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2007, and*
24 *applicable to offers of compromise filed on or after said date*):

25 In any action, the plaintiff may, [within sixty] not later than ten days
26 after being notified by the defendant of the filing of an offer of
27 compromise, file with the clerk of the court a written acceptance of the
28 offer signed by the plaintiff or the plaintiff's attorney agreeing to settle
29 the underlying action for the sum certain specified in the defendant's
30 offer of compromise. Upon the filing of the written acceptance and
31 receipt by the plaintiff of such sum certain, the plaintiff shall file a
32 withdrawal of the action with the clerk of the court and the clerk shall
33 record the withdrawal of the action against the defendant accordingly.
34 No trial may be postponed because the period within which the
35 plaintiff may accept the offer has not expired, except at the discretion
36 of the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007, and applicable to offers of compromise filed on or after said date</i>	52-192a(b)
Sec. 2	<i>October 1, 2007, and applicable to offers of compromise filed on or after said date</i>	52-194

Statement of Purpose:

To amend provisions concerning offers of compromise to provide that:
(1) Notice of damages and expert witnesses and authorization to
disclose medical records be required in all actions to recover damages

resulting from personal injury or wrongful death, rather than only actions alleging negligence of a health care provider as is currently provided, and (2) in any civil action, the plaintiff shall be required to file an acceptance of an offer of compromise not later than ten days after the offer is filed, rather than within sixty days after the offer is filed as is currently provided.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]